IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Deva Ram. Versus Smt. Manju & Anr.

S.B. Criminal Misc. Petition No. 313/2001
against the order dated 28-5-2001 passed
by the Chief Judicial Magistrate, Pali, in
Criminal Misc. Case No. 359/2000.

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Date of Order: August 28, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the parties.

BY THE COURT:

No one appears for the parties.

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 28-5-2001 passed by the Chief Judicial Magistrate, Pali (for short, "the trial Court" hereinafter) in Criminal Misc. Case No. 359/2000, whereby the trial Court issued a warrant of attachment for recovery of the arrears of monthly allowance of maintenance to the tune of Rs. 50,000/-.

By the interim order dated 15-6-2001, the petitioner was directed to pay a sum of Rs.15,000/- to the non-petitioner

No.1 and by another interim order dated 7-8-2001, the trial Court directed the petitioner to pay the arrears of monthly maintenance allowance in the monthly instalments of Rs.1000/- each and also to pay the monthly allowance of maintenance.

It appears that out of Rs.50,000/-, a sum of Rs.15,000/- was to be paid by the petitioner as per the order dated 15-6-2001 within fifteen days from that order and the remaining amount of arrear of Rs. 35,000/- was to be paid in the monthly instalments of Rs.1000/- for thirty-five months along with the monthly maintenance allowance as per the order of the trial Court dated 7-8-2001. Therefore, in compliance of the order, the entire amount of maintenance allowance along with arrears might have been paid. Be that as it may, directing to issue attachment warrant cannot be said to be erroneous. I do not find any error in the order impugned.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs